

Brian Hennigan (SBN 86955)
Moez M. Kaba (SBN 257456)
C. Mitchell Hendy (SBN 282036)
HUESTON & HENNIGAN LLP
523 W. 6th Street, Suite 400
Los Angeles, CA 90014
Telephone: (213) 788-4340
Facsimile: (888) 776-0898
bhennigan@hueston.com
mkaba@hueston.com
mhendy@hueston.com
Counsel for Plaintiff
GLAXOSMITHKLINE

Charles B. Klein (*Admitted Pro Hac Vice*)
Matthew A. Campbell (*Admitted Pro Hac Vice*)
WINSTON & STRAWN LLP
1700 K Street, N.W.
Washington, DC 20007
Telephone: (202) 282-5000
Facsimile: (202) 282-5100
cklein@winston.com;
macampbell@winston.com
Counsel for Defendant
ABBOTT LABORATORIES

Jeffrey I. Weinberger (SBN 56214)
Stuart N. Senator (SBN 148009)
Keith R.D. Hamilton (SBN 252115)
Caroline McKay Cunningham (SBN 270927)
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue
Los Angeles, CA 90071-1560
Telephone: (213) 683-9100
Facsimile: (213) 687-3702
jeffrey.weinberger@mto.com;
stuart.senator@mto.com;
keith.hamilton@mto.com
caroline.cunningham@mto.com
Counsel for Defendant
ABBOTT LABORATORIES

James F. Hurst (*Admitted Pro Hac Vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-2000
Facsimile: (312) 862-2200
james.hurst@kirkland.com
Counsel for Defendant
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

SMITHKLINE BEECHAM CORPORATION
d/b/a GLAXOSMITHKLINE,

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendant.

Case No. C07-5702 (CW)

**STIPULATION AND ~~PROPOSED~~
ORDER TO TRANSFER PURSUANT TO
28 U.S.C. § 1631**

1 WHEREAS, on March 10, 2015, Plaintiff GSK filed its Second Amended Complaint in the
2 above-captioned action (the “Action”);

3 WHEREAS, on March 11, 2015, Defendant Abbott Laboratories filed a motion to dismiss
4 Plaintiff GSK’s Second Amended Complaint for lack of personal jurisdiction (the “Motion”);

5 WHEREAS, GSK opposes Abbott’s Motion;

6 WHEREAS, Abbott’s Motion was heard by the Court on April 8, 2015;

7 WHEREAS, the parties agree that it is in the interest of justice to transfer this Action to the
8 United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. § 1631;

9 WHEREAS, the parties agree that this Action could have been brought in the United States
10 District Court for the Middle District of North Carolina, as GSK believes that jurisdiction and venue
11 are proper in that Court, and Abbott consents to jurisdiction and venue in that Court;

12 WHEREAS, the parties agree that, if transferred, this Action and all claims in GSK’s Second
13 Amended Complaint shall be deemed filed and proceed in the United States District Court for the
14 Middle District of North Carolina.

15 WHEREAS, the parties agree that transfer of the Action to the Middle District of North
16 Carolina moots any other motions pending before this Court;

17 IT IS HEREBY STIPULATED AND AGREED, by and between the parties to this Action
18 through their undersigned counsel, as follows:

- 19 1. In the interests of justice, this Action shall be transferred to the United States District
20 Court for the Middle District of North Carolina, and
 - 21 2. This Action and all claims in GSK’s Second Amended Complaint shall be deemed
22 filed and proceed in that court.
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1 **IT IS SO STIPULATED AND AGREED:**

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3 Date: April 14, 2015

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5 /s/ James F. Hurst
6 James F. Hurst (*Admitted Pro Hac Vice*)
7 KIRKLAND & ELLIS LLP
8 300 North LaSalle
9 Chicago, IL 60654
10 Attorney for Defendant Abbott Laboratories

11 /s/ Brian Hennigan
12 Brian Hennigan
13 HUESTON HENNIGAN LLP
14 523 W. Sixth St., Suite 400
15 Los Angeles, CA 90014
16 Attorney for Plaintiff GlaxoSmithKline

17
18 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

19 Dated: 04/14/2015

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22 Judge Claudia Wilken
23 U.S. District Court
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